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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES, AFL-CIO,  
*et al.*,

Plaintiffs,

v.

PRESIDENT DONALD TRUMP, in his  
official capacity as President of the United  
States, *et al.*,

Defendants.

Case No. 3:25-cv-03698-SI

**CONSENT MOTION OF  
CONSTITUTIONAL ACCOUNTABILITY  
CENTER FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN SUPPORT  
OF PLAINTIFFS' MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

Date: May 9, 2025  
Time: 10:30 a.m. (PDT)  
Place: Courtroom 1, 17th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Judge: Honorable Susan Illston

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT Constitutional Accountability Center (CAC) hereby  
3 respectfully moves the Court for leave to file a brief *amicus curiae* in the above-captioned case in  
4 support of Plaintiffs' motion for a temporary restraining order. Counsel for all parties have  
5 consented to the filing of this brief. A copy of the proposed *amicus curiae* brief is attached to this  
6 motion. In support of this motion, *amicus* states:

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8 1. CAC is a think tank and public interest law firm dedicated to fulfilling the  
9 progressive promise of the Constitution's text and history. CAC works to improve understanding  
10 of the Constitution and accordingly has an interest in this case.

11  
12 2. CAC has filed *amicus* briefs in courts across the country addressing the  
13 Constitution's separation of powers, including Congress's authority to determine the structure of  
14 the federal government. *See, e.g.*, Brief of Constitutional Accountability Center as *Amicus Curiae*  
15 in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to Defendants' Motion  
16 to Dismiss or, in the Alternative, Motion for Summary Judgment, *American Foreign Service*  
17 *Association v. Trump*, No. 25-352-CJN (D.D.C. filed Apr. 25, 2025); Brief of Constitutional  
18 Accountability Center as *Amicus Curiae* in Support of Plaintiffs' Motion for Preliminary  
19 Injunction, *AIDS Vaccine Advocacy Coalition v. Department of State*, No. 25-cv-400 (D.D.C. filed  
20 Feb. 19, 2025); Brief of Constitutional Accountability Center as *Amicus Curiae* in Support of  
21 Defendants-Appellees, *Space Exploration Technologies Corp. v. NLRB*, No. 24-40315 (5th Cir.  
22 filed Sept. 23, 2024). Accordingly, CAC has developed expertise relevant to the issue at the heart  
23 of this case, and the proposed brief provides a unique historic perspective and more detail on  
24 certain issues than the parties can provide.  
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1           3. District courts have discretion to permit third parties to participate in an action as  
2 *amici curiae*, and courts have “exercised great liberality” in allowing *amicus* briefs. *Woodfin Suite*  
3 *Hotels, LLC v. City of Emeryville*, No. 06-1254, 2007 WL 81911, at \*3 (N.D. Cal. Jan. 9, 2007)  
4 (quoting *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991)). District courts  
5 frequently accept *amicus* briefs from non-parties when the legal issues in a case “have potential  
6 ramifications beyond the parties directly involved” or if the *amicus* has “unique information or  
7 perspective that can help the court.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.  
8 Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quotation marks omitted). There are no strict prerequisites  
9 that must be established to qualify for *amicus* status; the sole criterion is that the applicant make a  
10 showing that its “participation is useful or otherwise desirable to the court.” *Woodfin Suite Hotels*,  
11 2007 WL 81911, at \*3 (quotation marks omitted).

12           3. The proposed, attached *amicus curiae* brief satisfies these standards. The attached  
13 brief explains that the Constitution vests all legislative powers in Congress, including plenary  
14 authority over the structure of the federal government. Since the Founding, Congress has exercised  
15 that power to create, reorganize, and abolish federal agencies, and whenever past Presidents have  
16 restructured the federal government or abolished agencies, they have done so pursuant to authority  
17 delegated by law, and subject to appropriate restraints.

18           For the foregoing reasons, *amicus curiae* respectfully requests leave to file the attached  
19 brief. A proposed order is attached to this motion.  
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1 Dated: May 7, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2025, the foregoing document was filed with the Clerk of the Court, using the CM/ECF system, causing it to be served on all counsel of record.

Dated: May 7, 2025

Elizabeth B. Wydra  
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